

FILED: April 4, 2023

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

No. 22-1221  
(A205-827-903)

---

JOSE ANTONIO MARTINEZ

Petitioner

v.

MERRICK B. GARLAND, Attorney General

Respondent

---

O R D E R

---

This case is calendared for oral argument May 3, 2023.

The parties are directed to file supplemental briefing on the following question:

The Supreme Court has recognized that orders denying CAT protection and withholding of removal are not final orders of removal. *See Nasrallah v. Barr*, 140 S. Ct. 1683, 1691 (2020); *Johnson v. Guzman Chavez*, 141 S. Ct. 2271, 2288 (2021). In light of these decisions, does this Court have jurisdiction to consider the petition in this case under 8 U.S.C. § 1252(b)(9)?

The briefs shall be filed simultaneously and no later than the close of

business on April 18, 2023.

For the Court

/s/ Patricia S. Connor, Clerk